

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**LUANGPHOR VIRIYANG  
SIRINTHARO FOUNDATION**

*Plaintiff,*

**V.**

**WILLPOWER INSTITUTE U.S.A., INC.**

***Defendant.***

[illegible]

**CIVIL ACTION NO. 4:23-cv-2812**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff Luangphor Viriyang Sirintharo Foundation (the “Foundation” or “Plaintiff”) files this Complaint seeking declaratory relief against Defendant Willpower Institute USA, Inc. (“Willpower USA” or “Defendant”), and respectfully shows the Court as follows:

## I. INTRODUCTION

1. Luangphor Viriyang Sirintharo (deceased) (“LVS”) was a Thai monk, a meditation master, and a founder of many Buddhist temples in Thailand, including Dhammamongkol Temple. LVS served as the abbot of the Dhammamongkol Temple from 1963 until he passed away in 2020. In the early 1990s, LVS founded the Willpower Institute at the temple and began teaching meditation free of charge. LVS also trained meditation instructors free of charge in a six-month long program.

2. LVS authored textbooks (the “Works”) to supplement his teaching. In or around 1997, LVS authorized the Willpower Institute to make an audio recording of his teaching so they could be used by meditation instructors who graduated from LVS’s program. For 26 years, meditation instructors who graduated from the program have used the textbooks and audio

recordings of LVS to train over 200,000 new meditation instructors, approximately 5,000 of whom have taught in over 300 branches in Thailand alone.

3. In 2014, LVS registered the Willpower Institute as the Willpower Institute Foundation Luang Phor Viriyang Sirintharo (“WIF Thailand”), a nonprofit organization in Thailand. LVS served as WIF Thailand’s chairman until his death. WIF Thailand’s objective was, among other things, to preserve the integrity of the meditation courses of the Willpower Institute.

4. Willpower USA is a separate entity, unrelated to WIF Thailand entirely, who is unlawfully claiming ownership rights to intellectual property that the Foundation is lawfully allowed to use consistent with the authorization of WIF Thailand. This declaratory action arises from a dispute between the Parties relating to the ownership, use, and control of the intellectual property.

## **II.** **PARTIES**

5. Plaintiff Luangphor Viriyang Sirintharo Foundation is a Texas nonprofit corporation.

6. Defendant Willpower Institute USA, Inc. is a California corporation.

## **III.** **JURISDICTION AND VENUE**

7. This Court has federal question jurisdiction over the Foundation’s declaratory judgment claims under the copyright and trademark laws of the United States, 17 U.S.C. §§ 101, *et seq.*, 28 U.S.C. § 1338, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

8. The Court has personal jurisdiction over Willpower USA because Willpower USA issued their intellectual property infringement threats to multiple branches of the Foundation that are located in Texas and California. The Willpower Institute branches that are managed by the Foundation include Dallas, Houston, and Los Angeles.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to this claim occurred in this judicial district.

#### **IV. FACTUAL BACKGROUND**

10. In or about 2015, with the authority and under the direction of LVS and WIF Thailand, the Foundation was formed. LVS and WIF Thailand authorized the Foundation to disseminate LVS's teachings in the United States. The Foundation is now operating multiple branches in the United States including Dallas, Houston, and Los Angeles.

11. WIF Thailand alone owns all of the intellectual property related to LVS's meditation teachings in Thailand as well as the trademark (the "Mark") to which Willpower USA unlawfully claims ownership. The Mark was created around 2015 and has been used by WIF Thailand continuously since that time in Thailand, Canada, and the United States.

12. In 2020, when LVS died, all rights and interests in the Works and the Mark were transferred to the trustee administering LVS's estate. This transfer has been confirmed by final judgment in Thailand on April 20, 2021. Subsequently, the trustee transferred all rights and interests in the Works and the Mark to WIF Thailand. Since this transfer, WIF Thailand has reconfirmed the Foundation's right to use the Works and the Mark.

13. On July 7, 2023, Willpower USA, through its counsel, sent a cease and desist letter to the Foundation, instructors and to many of the temples where LVS's courses are taught demanding that they discontinue use of the Works, despite they are expressly authorized to do so by WIF Thailand. **Exhibit A.** On July 14, 2023, knowing that it had authorization to use the Works and the Mark, Plaintiff responded to the July 7, 2023 cease and desist letter requesting that Willpower USA provide some proof of its ownership that would preclude the Foundation's use. **Exhibit B.** To date, Willpower USA has not done so.

V.

**REQUEST FOR DECLARATORY JUDGMENT**

14. The Foundation incorporates by reference its allegations set forth in the previous paragraphs as if fully rewritten herein.

15. The Foundation seeks a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. § 2201 that Willpower USA is not the owner of the Mark or the Works and that the Foundation's use of the Works in the USA is not unlawful because it was expressly authorized by LVS and WIF Thailand.

16. This action is ripe for declaratory judgment pursuant to Rule 57 of the Federal Rules of Civil Procedure and as authorized by 28 U.S.C. § 2201. A justiciable controversy exists because Willpower USA has taken the position it owns the Mark and the Works and that the Foundation's use of the Works and the Mark infringes on those rights.

VI.

**REQUEST FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY AND PERMANENT INJUNCTION**

17. The Foundation incorporates by reference its allegations set forth in the previous paragraphs as if fully rewritten herein.

18. Willpower USA is interfering with the Foundation's relationships by improperly claiming ownership to the Works and the Mark. Willpower USA has threatened litigation if the Foundation and its branches do not cease use of the Mark and the Works.

VII.

**REQUEST FOR SPEEDY HEARING**

19. Consistent with Federal Rule of Civil Procedure 57, Plaintiff requests a speedy hearing on its claim for declaratory relief.

**PRAYER FOR RELIEF**

For the reasons set forth above, Plaintiff asks this Court to enter a declaratory judgment

and grant injunctive relief as set forth above and grant Plaintiff all other relief, in law and in equity, to which Plaintiff may be entitled.

Dated: July 31, 2023

Respectfully submitted,

**CHAMBERLAIN, HRDLICKA, WHITE,  
WILLIAMS & AUGHTRY**

By: /s/ C. Larry Carbo, III

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